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Diane Dunn McKay

Docket No. 4590-102 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer No.
PALACIOS-BOYCE, Monica	:	26817
	:	
Serial No. 10/031,259	:	Group Art Unit: 1744
	:	
Filed: June 3, 2002	:	Examiner: David A. REDDING
	:	
Title: MICROELECTROMECHANICAL	:	Confirmation No. 5055
DEVICES USEFUL FOR MANIPULATING	:	
CELLS OR EMBRYOS, KITS THEREOF ...	:	
	x	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In a January 3, 2005 Office Action, the Examiner required restriction to one of the following groups:

- I. Claims 1-21, are drawn to a device for labeling cells.
- II. Claims 22-41, are drawn to a device and method for storing labeled cells.
- III. Claims 42-47, are drawn to a device for incubating cells.
- IV. Claims 48-80, are drawn to a device for injecting fluids into cells.
- V. Claims 81-99, are drawn to a device for injecting sperm into a cell.
- VI. Claims 100-103, are drawn to a cell zona coring device.
- VII. Claims 1-4-112, 114-138, are drawn to a cell enucleation device.

Applicants submit that Group IV, VI and VII constitute a single MEMS device and each of the groups would be searched upon searching of the other groups. However, to further prosecution, Applicants hereby elects Group VII, claims 1-4-112, 114-138, are drawn to a cell enucleation device, for prosecution in this application. Applicants respectfully request the right to file a divisional application directed to the unelected claims.

A prompt action on the merits is earnestly solicited. The Examiner is invited to telephone the undersigned should he believe this would expedite prosecution of this application. It is believed no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: April 4, 2005



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